

SCHINDEL, FARMAN & LIPSIUS LLP  
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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Gregory V. Serio, Superintendent of  
Insurance of the State of New York, as  
Rehabilitator of FRONTIER INSURANCE  
COMPANY, and as Assignee of PLATINUM  
INDEMNITY, LTD,

Plaintiff,

vs.

DWIGHT HALVORSON INSURANCE  
SERVICES, INC d/b/a F.S.I.M.  
INSURANCE SERVICES and FOOD  
SERVICES INSURANCE MANAGERS,  
INC.,

Defendants

**Case No.: 04 CV 3361**

**Hon. Richard M. Berman**

**NOTICE OF MOTION**

TO: ENTWISTLE & CAPPUCCI, LLP  
299 Park Avenue - 14<sup>th</sup> Floor  
New York, NY 10171  
(212) 894-7200  
Attn: William S. Gyves, Esq.

COUNSEL:

Please note that Defendants Dwight Halvorson Insurance Services, Inc. (“DHIS”) and Food Service Insurance Managers, Inc. (FSIM”) will move the court for an order, pursuant to F.R.C.P. 12(b)(1) (2)&(3), 28 U.S.C § 13491, 9 U.S.C. §§ 1-4, dismissing the complaint based on lack of jurisdiction over the Defendants and improper venue, dismissing the complaint and/or compelling

arbitration and staying the proceedings herein, and for such other relief as to the court is just and equitable.

The motion is based on Defendants' Notice of Motion, Defendants' Memorandum of Law in Support, the pleadings herein and, the Certification of Marc I. Kunkin in Support of Defendants' Motion, with attached Exhibits, Proposed Order Granting Defendants' Motion, copies of which have been duly served upon the persons and/or entities shown above.

Oral Argument is requested only if this motion is opposed.

Dated: August 24, 2004  
New York, New York

SCHINDEL, FARMAN & LIPSIUS LLP  
Attorneys Defendants

By: \_\_\_\_\_  
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